

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application, as amended, and reconsideration of the Office Action dated April 12, 2010. Upon entry of this Amendment, Claims 1, 6-7, 10-12, 14-19, and 23-27 will be pending in this application. Claim 1 is the only independent claim. Claims 2-5, 8-9, 13, 20-22, and 28-41 have been canceled. Particularly, Claims 2-5 have been canceled by this amendment for the purpose of expediting the prosecution of this application and without prejudice to the filing of a continuation application and without prejudice to the scope of the remaining claims.

Support for the amendment to Claims 1, 6, and 7, namely amending the lower limit of the barrier layer from 0.05 micron to 2 microns, is found in the priority document GB0205543.2, filed March 6, 2002 (hereinafter "P1"). Particularly, at page 7, lines 4-8, the priority document P1 discloses the minimum thickness of the barrier layer to be 2 microns. Specifically, the priority document P1 states that:

Typically the thickness of the RHMP [reactive hot melt polyurethane] can range from 1 micron up to 2000 microns, and the low permeability material can range from 1 micron to 1000 microns.

The priority document P1 therefore supports the lower limit of 2 microns specified in Claims 1, 6, and 7 for the barrier layers, each of which comprises a layer of reactive hot melt polyurethane adhesive having a minimum thickness of 1 micron plus a lower permeability sub-layer having a minimum thickness of 1 micron. Thus, as amended, Claims 1, 6, and 7 are fully supported by P1 and therefore are entitled to the priority date of March 6, 2002. Consequently, applicant submits that EP1270703 (EP'703), which has a publication date of January 12, 2003, is not prior art with respect to Claims 1, 6, and 7, as amended.

The Examiner has rejected Claims 1-7, 10-12, 14-19, 23-27, and 40-41 under 35 U.S.C. §103(a) as unpatentable over the EP'703 reference in view of WO'647 and WO'378. The Examiner has relied specifically on the EP'703 reference for the disclosure of the use of a reactive hot melt polyurethane adhesive for the production of cork wine stoppers. The Examiner has relied on the secondary references for disclosing the incorporation of lower permeability barrier layers or coatings applied to cork wine stoppers to improve the oxygen or liquid barrier properties of the cork stoppers. Because the EP'703 reference is not prior art against the subject matter of Claim 1, as amended, the critical teaching of the use of a reactive hot melt polyurethane adhesive within the range specified by Claim 1 is missing from the prior art, and that alone is sufficient to support patentability of Claim 1.

Because the subject matter of independent Claim 1 is not obvious in view of the prior art for the reasons outlined above, dependent Claims 6-7, 10-12, 14-19, and 23-27 are likewise not obvious in view of the prior art.

The Examiner has also rejected Claims 1-7, 10-12, 14-19, 23-27, and 40-41 under 35 U.S.C. §103(a) as unpatentable over the WO'647 reference in view of the EP'703 reference. Again, the Examiner relies on the teaching of the EP'703 reference for disclosing the use of a reactive hot melt polyurethane adhesive for coating a cork. Because the EP'703 reference is not prior art with respect to Claim 1, the remaining prior art references lack the critical teaching of the use of a reactive hot melt polyurethane adhesive for coating a cork.

Because the subject matter of independent Claim 1 is not obvious in view of the prior art for the reasons outlined above, dependent Claims 6-7, 10-12, 14-19, and 23-27 are likewise not obvious in view of the prior art.

Based on the foregoing, applicant respectfully urges the Examiner to allow the pending claims and issue a Notice of Allowance in due course.

If any additional fees are due in connection with the filing of this Amendment or the accompanying papers, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 045637.005. If an additional extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 045637.005. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 045637.005.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: *Dale Lischer*
Dale Lischer, Reg. No. 28,438

Date: _____
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404): 815 3741
Facsimile: (404): 685-7041